

AMENDED IN ASSEMBLY AUGUST 23, 2002

AMENDED IN ASSEMBLY JULY 3, 2002

AMENDED IN SENATE MAY 21, 2002

AMENDED IN SENATE APRIL 11, 2002

SENATE BILL

No. 1988

Introduced by Senator Polanco
(Coauthors: Senators Karnette and O'Connell)
(Coauthors: Assembly Members Alquist, Pavley, Salinas,
Strom-Martin, and Vargas)

February 22, 2002

An act to add Article 6 (commencing with 8780) to Chapter 4 of Part 6 of the Education Code, relating to environmental education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1988, as amended, Polanco. Environmental education fund.

Existing law contains various provisions regarding environmental education, including a grant program that funds programs in public schools, community colleges, and regional conservation education centers for the purpose of conservation education.

This bill would create an Environmental Education Fund in which ~~funds from public or private organizations and~~ contributions made pursuant to the settlement of a state or federal lawsuit *involving an environmental violation, a grant from the federal government or a local governmental agency, or a contribution from a private organization or individual* may be deposited to fund environmental education. The bill would require the Superintendent of Public Instruction, each fiscal year, to allocate 60% of the funds for environmental education in the public

schools. The bill would require the remaining 40% of the funds to be allocated to a nonprofit organization or organizations that serves to educate city attorneys, district attorneys, and their staff and investigators on the fair and uniform enforcement of environmental laws and the advancement of environmental justice, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 8780) is added to Chapter 4 of Part 6 of the Education Code, to read:

Article 6. Environmental Education Fund

8780. (a) The Environmental Education Fund is hereby created in the State Treasury for the purposes of this article. ~~Transfers of funds from public or private organizations and contributions~~ Contributions to the fund made pursuant to the settlement of a state or federal lawsuit *involving an environmental violation, a grant from the federal government or a local governmental agency, or a contribution from a private organization or individual* may be deposited into the fund and shall be administered by the department for the purposes of this article. *Contributions from the settlement of a state or federal lawsuit shall be approved by the court and shall be limited to contributions for the purpose of restitution where the victims that incurred the loss can not be individually identified.*

(b) Each fiscal year, the department shall allocate funds from the Environmental Education Fund, upon appropriation by the Legislature, for environmental education in accordance with the following schedule:

(1) An amount equal to 60 percent of the balance in the fund shall be allocated by the Superintendent of Public Instruction for purposes of environmental education in the public schools.

(A) The department may use these funds for environmental education programs described in Article 4 (commencing with Section 8750).

1 (B) The department shall allocate funds pursuant to this
2 paragraph to school districts representing all geographical regions
3 of the state, including both rural and urban regions.

4 (C) Any funds not expended for the purpose of this paragraph
5 during the fiscal year in which the funds are allocated shall be
6 carried over to the following fiscal year for the same purpose.

7 (D) The department may expend up to 10 percent of the funds
8 allocated pursuant to this paragraph on administrative and
9 overhead costs necessary to implement this paragraph.

10 (2) An amount equal to 40 percent of the balance in the fund
11 shall be allocated by the Superintendent of Public Instruction to a
12 nonprofit organization or organizations that serves to educate city
13 attorneys, district attorneys, and their deputies and investigators
14 on the fair and uniform enforcement of environmental laws and the
15 advancement of environmental justice. The nonprofit organization
16 or organizations shall use the funds exclusively for the purposes
17 of environmental education and the advancement of
18 environmental justice.

19 (A) Funds shall be allocated pursuant to this paragraph only to
20 a nonprofit organization that meets both of the following
21 requirements:

22 (i) Prosecutors comprise a majority of the membership of the
23 organization.

24 (ii) The organization develops and implements courses of
25 instruction to train public prosecutors and provides educational
26 publications on the enforcement of state and local environmental
27 laws.

28 (I) Publications and courses of instruction provided pursuant to
29 this clause shall provide an understanding of the civil and criminal
30 requirements of environmental law, as well as, instruction on the
31 fair and uniform enforcement of environmental law consistent
32 with advancement of environmental justice.

33 (II) All courses of instruction shall be developed to fulfill
34 minimum continuing legal education (MCLE) requirements.

35 (B) Any funds not expended for the purpose of the program
36 during the fiscal year in which the funds are allocated shall be
37 carried over to the following fiscal year for the same purpose.

38 (C) For each fiscal year in which a nonprofit organization
39 receives funds pursuant to this paragraph, the nonprofit
40 organization shall prepare a report that itemizes the expenditure of

1 the funds. The report shall be submitted to the Legislature and the
2 department on or before September 1 of the fiscal year following
3 the fiscal year in which the funds are received. The department or
4 the Joint Legislative Audit Committee may audit the records of a
5 nonprofit organization relating to the expenditure of funds
6 pursuant to this paragraph.

7 (c) Not later than 36 months after funds are first allocated from
8 the Environmental Education Fund pursuant to subdivision (b),
9 the Superintendent of Public Instruction shall submit a report to
10 the Legislature itemizing the expenditure of funds pursuant to this
11 article and describing each program or institute funded and the
12 accomplishments of each program or institute.

